REMARKS / ARGUMENTS

Claims 1-31 are pending in the instant application. Claims 21, 22 and 29-31 have been amended to further clarify the language used in the claims and to further prosecution of the application. The Applicant submits that the claims 1-31 define patentable subject matter in view of the following remarks and arguments.

Claims 29-31 are objected to because of the preambles are allegedly indistinguishable from the bodies of the claims, and because of a minor grammatical error. The Applicant respectfully traverses these objections, but nevertheless has amended claims 29-31 and submits that the preambles are distinguishable from the bodies of the claims. The grammatical error in claim 29 has also been corrected. The Applicant respectively requests that the objection to claims 29-31 be withdrawn.

The Examiner objected claims 21 and 22 for lack of antecedent basis in referencing to "(c)" in the dependent claim. The Applicant has amended claims 21 and 22 to replace "(c)" with the relevant limitation from independent claim 18. The Applicant respectively requests that the objection to claims 21-22 be withdrawn.

Claims 29-31 are rejected under 35 U.S.C. 101 for being allegedly directed to non-statutory subject matter. Specifically, the Examiner states that "A

unified driver per se is a software element and is non-statutory matter...." Applicant respectfully traverses this rejection but nevertheless has amended the preambles of claim 29-31 as mentioned above. The Applicant believes that the amended claim language also renders moot the present rejection under 35 U.S.C. 101. The Applicant respectfully requests that the rejection to claims 29-31 under 35 U.S.C. 101 be withdrawn.

Claims 1-4, 15-20 and 23 are rejected under 35 USC 102(e) as anticipated by Boucher et al. (US Patent. No. 6,226,680, hereinafter "Boucher").

Claims 10 and 11 are rejected under 35 USC 103(a) as being unpatentable over Boucher, as applied to claim 1 above, and further in view of Kistler et al. (US Publication No. 2002/0198934, hereinafter "Kistler").

Claims 12-14 are rejected under 35 USC 103(a) as being unpatentable over Boucher, as applied to claim 1 above, and further in view of Microsoft (Winsock Direct and Protocol Offload on SANs, 03/03/2001, hereinafter "Microsoft").

Claim 21 is rejected under 35 USC 103(a) as being unpatentable over Boucher, as applied to claim 18 above, and further in view of Official Notice, hereinafter "ON").

Claim 22 is rejected under 35 USC 103(a) as being unpatentable over Boucher, as applied to claim 18 above, and further in view of Yang et al. (US Publication No. 2002/0041566, hereinafter "Yang").

Claims 5-8 and 24-28 are rejected under 35 USC 103(a) as being unpatentable over Boucher, as applied to claim 1 above, and further in view of Hayes et al (US Publication No. 2003/0046330, hereinafter "Hayes").

Claim 29-31 are rejected under 35 USC 103(a) as being unpatentable over Boucher, and further in view of Callaghan (NFS over RDMA, hereinafter "Callaghan").

I. RESPONSE TO EXAMINER'S ARGUMENTS

The Examiner, in page 2 of the 6/5/08 Office Action, disagrees with the Applicant's argument that Boucher does not teach "a processor operable to process a plurality of different types of network traffic," as recited by the Applicant in claim 1. The Examiner maintains that Boucher's disclosure of protocol processing by "**fast path or slow path**" are different types of network. The Examiner relies on Boucher's Fig. 9, col. 6 lines 39-55, alleging that Boucher's disclosure that a packet determined to be routed through a "fast path" for TCP/IP offload processing by the INIC processor, is first type of network traffic. The Examiner also alleges that the packets that are routed to be handled through a

regular host protocol stack, i.e. processed through all the network protocol layers, is a second network traffic type. In other words, **the Examiner seems to allege that the network traffic types are identified by the route the packets are processed**. The Applicant respectfully disagrees with the Examiner's allegation that the "fast path" candidate packet constitutes a different traffic type than the "slow path" packet.

Initially, the Applicant points out that in the same citation by the Examiner (col. 6 lines 46-51), Boucher discloses "Subsequent network microprocessor work with each fast-path candidate determines whether a fast-path connection such as a TCP or SPX CCB is already extant for that candidate, or whether that candidate may be used to set up a new fast path connection, such as for a TTCP/IP transaction". In other words, Boucher discloses that only a subsequent fast path candidate packet with an already created CCB will be routed to the fast path. Boucher discloses that each new fast path connection requires that an initial fast path candidate packet pass through a host protocol stack for slow path processing, just as a slow path packet does, so that a CCB could be created for the subsequent fast path candidate packets to be subsequently routed through the fast path, i.e., bypassing the host protocol stack to the host storage directly.

For example, Boucher discloses a flow chart in Fig. 3 with related description (*see* Boucher at col. 6, lines 12- col. 7, line 20) that describes that in step 59, a fast path candidate packet (i.e. packet header identified as TCP/IP or

SPX/IPX) is identified by the CPD. Next, Boucher discloses that in step 53, an initial fast path candidate packet's CCB is not matched to the CCB cache, such as is done with respect to a new network traffic connection, where a CCB message has not been created to be stored in the CCB cache; the fast path packet in step 65, **is routed to a host stack for slow path processing, just as is done with a slow path packet**. In step 51, a CCB for the fast path candidate packet is created. In step 67, the created CCB for the fast path candidate packet is stored in the CCB cache in the CPD or INIC. The CCB information in the CCB cache will be used to match **the CCB of the subsequent fast path candidate packets for fast path processing**. In other words, Boucher discloses that **at the beginning of a new network traffic connection, the fast path packet and the slow path packet are both routed and processed the same way, i.e., via the host protocol stack for slow path processing**. The Examiner is referred to Boucher's Figs. 4A to 4C and related description (Boucher col. 7, line 20 to col. 8, line 12) for further detail and description of the initial network traffic connection.

Therefore, even assuming for the sake of argument that the packets' network traffic type is identified by the route the packet is processed, Boucher discloses that both the fast path candidate packet (the alleged first network traffic type packet) and the slow path packet (the alleged second network traffic type packet) are processed through the slow path at the start of a new traffic network

connection. Therefore, the Applicant maintains that **the fast path packet and the slow path packet are of the same network traffic type based on the common processing route according to the Examiner's assertion**.

Moreover, the Examiner is referred to Boucher in Fig. 4D and related description (col.8, lines 13-30), where Boucher discloses, that after the network traffic has been established (i.e., after the CCB has already been created by an initial fast path packet and stored in the CCB cache), a subsequent fast path packet is routed to be processed through the host protocol stack slow path processing route. Boucher discloses that in a situation where a CCB error occurs, or if the CPD processor cannot handle the fast path packet, the fast path packet will be processed through the slow path host protocol stack until another CCB is created to correct the error in the CCB cache.

Based on the above, Boucher's disclosure of both the initial network traffic connection and after the network traffic connection has been established, Boucher discloses that the fast path packet can always be processed by the slow path route, in addition to the alternate fast path route. **In other words, the choice of the fast path route for the fast path packet is purely a performance choice, and not because the fast path packet is a different network traffic type, as asserted by the Examiner.**

Therefore, the Examiner's rationale that packets belonging to different network traffic types (i.e., the fast path packet is different than the slow path

packet in network traffic type) are processed by different routes (i.e. fast path packets only take the fast path route, the slow path packets only take slow path route) cannot support an allegation that the fast path packet is of a different network traffic type than that of the slow path packet, since Boucher discloses that the fast path packets can always take the slow path route, both at the initial network connection establishment, and after the network traffic connection is established.

Based on at least the foregoing rationale, the Applicant maintains that Boucher's fast path packet and the slow path packet are of the same network traffic type. Accordingly, the Applicant maintains that Boucher does not disclose or suggest at least "a processor operable to process a plurality of different types of network traffic," as recited by the Applicant in claim 1.

Furthermore, the Examiner in page 3 of the Office Action argues that Boucher discloses two protocols in Fig. 6, namely TCP/IP and SPX/IPX, which are identified in the fast path packet headers. The Examiner alleges that TCP/IP and SPX/IPX are two different network traffic types, being supported by the hardware processor in Boucher's INIC.

The Applicant respectfully disagrees, and refers the Examiner to Boucher at col. 6, lines 12-21, where Boucher discloses that **SPX/IPX** (Sequential Exchange Protocol (SPX) or Netware Core Protocol over Internetwork Packet Exchange (IPX)) **work in a similar fashion as TCP/IP**. Boucher in the

Examiner's citation discloses that a connection needs to be established for the fast path packets transaction or processing. In other words, Boucher discloses that **both TCP/IP and SPX/IPX are protocols that initiate packet transaction requests based on a connection establishment between a source and a destination, since TCP/IP and SPX/IPX are functionally similar network protocol types**, i.e., fast path packets with headers identified as either TCP/IP or SPX/IPX are processed the same way by the CPD or the INIC hardware logic. In fact, the Examiner is further referred to Boucher in col. 6 lines 42-43, where Boucher clearly teaches that the packets are identified as fast path candidates if "the header has header bytes denoting particular protocols, such as **TCP/IP or SPX/IPX, for example**". In other words, the **CPD or INIC would process the fast path packets with headers denoting in either TCP/IP or SPX/IPX in the same fashion, not differently**. Therefore, the Applicant maintains that **Boucher does not disclose that TCP/IP and SPX/IPX are different network traffic types**, as alleged by the Examiner.

Therefore, based on the above rationale, the Applicant maintains that Boucher does not anticipate at least the limitation "the processor operable to process a plurality of different types of network traffic," as recited by the Applicant in claim 1, and thus claim 1 is allowable. Likewise, independent claim 18 is similar in many respects to claim 1, and is therefore also submitted to be

allowable. The Applicant respectfully requests that the rejection of independent claims 1 and 18 under 35 U.S.C. § 102(e) be withdrawn.

Likewise, claim 24 is not rendered obvious by the combination of Boucher and Hayes, since the combination fails to disclose or suggest at least the limitation of "handling a plurality of different types of network traffic via a single Ethernet connector," as recited in claim 24 by the Applicant. The Applicant respectfully requests that the rejection to claim 24 under 35 U.S.C. § 103(a) be withdrawn.

Likewise, claim 29 is not rendered obvious by the combination of Boucher and Callaghan, since the combination fails to disclose or suggest at least the limitation of "handling a plurality of different types of network traffic via a single PCI bridge," as recited in claim 29 by the Applicant. The Applicant respectfully requests that the rejection to claim 29 under 35 U.S.C. § 103(a) be withdrawn.

II. OBJECTION TO CLAIMS 29-31 AND 21-22

Claims 29-31 are objected to because of the preambles are allegedly indistinguishable from the bodies of the claims, and because of a minor grammatical error. The Applicant respectfully traverses these objections, but nevertheless has amended claims 29-31 and submits that the preambles are distinguishable from the bodies of the claims. The grammatical error in claim 29

has also been corrected. The Applicant requests that the objection to claims 29-31 be withdrawn.

The Examiner objected to claims 21 and 22 for lack of antecedent basis in referencing to "(c)" in the dependent claim. The Applicant has amended claims 21 and 22 to replace "(c)" with the relevant limitation from independent claim 18. The Applicant requests that the objection to claims 21-22 be withdrawn.

III. REJECTION TO CLAIMS 29-31 UNDER 35 U.S.C. § 101

Claims 29-31 are rejected under 35 U.S.C. 101 for being allegedly directed to non-statutory subject matter. Specifically, the Examiner states that "A unified driver per se is a software element and is non-statutory matter..." Applicant respectfully traverses this rejection but nevertheless has amended the preambles of claim 29-31 as mentioned above. The Applicant believes that the amended claim language also renders moot the present rejection under 35 U.S.C. 101. The Applicant respectfully requests that the rejection to claims 29-31 under 35 U.S.C. 101 be withdrawn.

IV. REJECTION UNDER 35 U.S.C. § 102(e)

MPEP 2131 states:

> "[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior

> art reference." *See* MPEP at 2131 (internal citation omitted). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *See id.* (internal citation omitted).

A. Boucher Does Not Anticipate Claim 1-4, 15-20 and 23

The Applicant turns to the rejection of claims 1-4, 15-20 and 23 under 35 U.S.C. § 102(e) as being anticipated by Boucher. Without conceding that Boucher qualifies as prior art under 35 U.S.C. 102(e), the Applicant respectfully traverses this rejection as follows.

A(1) Independent Claims 1 and 18

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(e), the Applicant submits that Boucher does not disclose or suggest at least the limitation of "a processor coupled to the network connector, the processor operable to process **a plurality of different types of network traffic**," as recited in the Applicant's claim 1.

In the Office Action, the Examiner asserts Boucher discloses the following:

> "a processor coupled to the network connector (fig. 13, microprocessor 470, col. 16 line 62-col. 17 line 13), the processor being operable to process a plurality of different types of network traffic (abstract, col. 3 lines 35-67, col. 13 lines 24-35, the intelligent network interface card INIC's processor supports an offload traffic via fast path and regular IP traffic via a slow path)"

See the Office Action in page 5. The Examiner relies for support citing the following:

> "A network processor 230 determines, based on that summary and a comparison with any CCBs stored in the INIC 200, **whether to send a packet along a slow-path 231 for processing by the host**. A large majority of packets can avoid such sequential processing and have their data portions sent by DMA along a fast-path 237 directly to the data destination 222 in the server according to a matching CCB."

See Boucher at col. 13, lines 24-30, and FIG. 9. The Examiner in the response to arguments section relies on Boucher's Fig. 9, col. 6 lines 39-55, alleging that Boucher's disclosure that a packet determined to be routed through a "fast path" for TCP/IP offload processing by the INIC processor, is a first type of network traffic, and that the packets that are routed to be handled through a regular host protocol stack, i.e. processed through all the network protocol layers, are a second network traffic type. In other words, **the Examiner seems to allege that the network traffic types are identified by the route the packets are processed**. The Applicant respectfully disagrees with the Examiner's allegation that the "fast path" candidate packet constitutes a traffic type different than the "slow path" packet, and refers the Examiner to the applicable arguments in Section I above.

Initially, the Applicant points out that in the same citation by the Examiner (col. 6 lines 46-51), Boucher discloses "Subsequent network microprocessor work with each fast-path candidate determines whether a fast-path connection

such as a TCP or SPX CCB is already extant for that candidate, or whether that candidate may be used to set up a new fast path connection, such as for a TTCP/IP transaction". In other words, Boucher discloses that only a subsequent fast path candidate packet with already created CCB will be routed to the fast path. Boucher discloses that each new fast path connection requires an initial fast path candidate packet to pass through a host protocol stack for slow path processing, just as a slow path packet does, so that a CCB could be created for the subsequent fast path candidate packets to be subsequently routed through the fast path, i.e., bypassing the host protocol stack to the host storage directly.

For example, Boucher discloses a flow chart in Fig. 3 with related description (*see* Boucher at col. 6, lines 12- col. 7, line 20) that describes that in step 59, a fast path candidate packet (i.e. packet header identified as TCP/IP or SPX/IPX) is identified by the CPD. Next, Boucher discloses that in step 53, an initial fast path candidate packet's CCB is not matched to the CCB cache, such as in a new network traffic connection, where a CCB message has not been created to be stored in the CCB cache; the fast path packet in step 65, **is routed to a host stack for slow path processing, just as is done with a slow path packet**. In step 51, a CCB for the fast path candidate packet is created. In step 67, the created CCB for the fast path candidate packet is stored in the CCB cache in the CPD or INIC. The CCB information in the CCB cache will be used to match **the CCB of the subsequent fast path candidate packets for fast**

path processing. In other words, Boucher discloses that **at the beginning of a new network traffic connection, the fast path packet and the slow path packet are both routed and processed the same way, i.e., via the host protocol stack for slow path processing**. The Examiner is referred to Boucher's Figs. 4A to 4C and related description (Boucher col. 7, line 20 to col. 8, line 12) for further detail and description of the initial network traffic connection.

Therefore, even assuming for the sake of argument that the packets' network traffic type is identified by the route the packet is processed, Boucher discloses that both the fast path candidate packet (the alleged first network traffic type packet) and the slow path packet (the alleged second network traffic type packet) are processed through the slow path at the start of a new traffic network connection. Therefore, the Applicant maintains that **the fast path packet and the slow path packet are of the same network traffic type based on the common processing route according to the Examiner's assertion**.

Moreover, the Examiner is referred to Boucher in Fig. 4D and related description (col.8, lines 13-30), where Boucher discloses, that after the network traffic has been established (i.e., after the CCB has already been created by an initial fast path packet and stored in the CCB cache), a subsequent fast path packet is routed to be processed through the host protocol stack slow path processing route. Boucher discloses that in a situation where a CCB error occurs, or if the CPD processor cannot handle the fast path packet, the fast path

packet will be processed through the slow path host protocol stack until another CCB is created to correct the error in the CCB cache.

Based on the above, Boucher's disclosure of both the initial network traffic connection and after the network traffic connection has been established, Boucher discloses that the fast path packet can always be processed by the slow path route, in addition to the alternate fast path route. **In other words, the choice of the fast path route for the fast path packet is purely a performance choice, and not because the fast path packet is a different network traffic type, as asserted by the Examiner.**

Therefore, the Examiner's rationale that packets belonging to different network traffic types (i.e., the fast path packet is different than the slow path packet in network traffic type) are processed by different routes (i.e. fast path packets only take the fast path route, the slow path packet only take slow path route) cannot support an allegation that the fast path packet is of a different network traffic type than that of the slow path packet, since Boucher discloses that the fast path packets can always take the slow path route, both at the initial network connection establishment, and after the network traffic connection is established.

Based on at least the foregoing rationale, the Applicant maintains that Boucher's fast path packet and the slow path packet are of the same network traffic type. Accordingly, the Applicant maintains that Boucher does not disclose

or suggest at least "a processor operable to process a plurality of different types of network traffic," as recited by the Applicant in claim 1.

Furthermore, the Examiner in page 3 of the Office Action argues that Boucher discloses in Fig. 6 two protocols, namely TCP/IP and SPX/IPX, which are identified in the fast path packet headers. The Examiner alleges that TCP/IP and SPX/IPX are two different network traffic types, being supported by the hardware processor in Boucher's INIC.

The Applicant respectfully disagrees, and refers the Examiner to Boucher at col. 6, lines 12-21, where Boucher discloses that **SPX/IPX** (Sequential Exchange Protocol (SPX) or Netware Core Protocol over Internetwork Packet Exchange (IPX)) **work in a similar fashion as TCP/IP**. Boucher in the Examiner's citation discloses that a connection needs to be established for the fast path packets transaction or processing. In other words, Boucher discloses that **both TCP/IP and SPX/IPX are protocols that initiate packet transaction requests based on a connection establishment between a source and a destination, since TCP/IP and SPX/IPX are functionally similar network protocol types**, i.e., fast path packets with headers identifying as either TCP/IP or SPX/IPX are processed the same way by the CPD or the INIC hardware logic. In fact, the Examiner is further referred to Boucher in col. 6 lines 42-43, where Boucher clearly teaches that the packets are identified as fast path candidates if "the header has header bytes denoting particular protocols, such as **TCP/IP or**

SPX/IPX, for example". In other words, the **CPD or INIC would process the fast path packets with headers denoting in either TCP/IP or SPX/IPX in the same fashion, not differently**. Therefore, the Applicant maintains that **Boucher does not disclose that TCP/IP and SPX/IPX are different network traffic types**, as alleged by the Examiner.

Therefore, based on the above rationale, the Applicant maintains that Boucher does not anticipate the limitation "the processor operable to process a plurality of different types of network traffic," as recited by the Applicant in claim 1, and thus claim 1 is allowable. Likewise, independent claim 18 is similar in many respects to claim 1, and therefore is also submitted to be allowable. The Applicant respectfully requests that the rejection of independent claims 1 and 18 under 35 U.S.C. § 102(e) be withdrawn.

Furthermore, the Applicant reserves the right to argue additional reasons beyond those set forth herein to support the allowability of the independent claims 1 and 18 should such a need arise.

A(2) Dependent Claims 2-4, 15-20 and 23

Based on at least the foregoing, the Applicant believes the rejection of the independent claims 1 and 18 under 35 U.S.C. § 102(e) as being anticipated by Boucher has been overcome and should be withdrawn. The Applicant submits that claims 2-4, 15-20 and 23 depend directly or indirectly from the independent

claims 1 and 18, and are, consequently, also respectfully submitted to be allowable, and requests that the rejection under 35 U.S.C. § 102(e) be withdrawn.

In addition, regarding claim 3, the Applicant has reviewed the Examiner's citation in Boucher's abstract, col. 3, lines 35-67, and col. 13, lines 24-35, and points out that Boucher discloses only one type of Ethernet traffic, i.e. the offload traffic by fast path (via the INIC processor and DMA controller) or slow path (via the host protocol stack). Boucher does not disclose other network traffic types, namely, the storage traffic, IPC, management traffic and RDMA traffic, as asserted by the Examiner. Claim 3 is submitted to be allowable based at least on this rationale. Claim 19 is allowable for at least the same rationale as discussed with respect to claim 3.

In addition, regarding claim 15, the Applicant refers the Examiner to the same argument set forth above with respect to claim 1, that the fast path and the slow path traffic are not different network traffic types. Claim 15 is submitted to be allowable based at least on this rationale. Claims 17 and 23 is allowable for the same rationale discussed with respect to claim 1 and 18 respectively.

The Applicant reserves the right to argue additional reasons beyond those set forth herein to support the allowability of dependent claims 2-4, 15-20 and 23 should such a need arise.

V. REJECTION UNDER 35 U.S.C. § 103

In order for a *prima facie* case of obviousness to be established, the Manual of Patent Examining Procedure, Rev. 6, Sep. 2007 ("MPEP") states the following:

> The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness."

See the MPEP at § 2142, citing *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), and *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval). Further, MPEP § 2143.01 states that "the mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art" (citing *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007)). Additionally, if a *prima facie* case of obviousness is not established, the Applicant is under no obligation to submit evidence of nonobviousness:

> The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

See MPEP at § 2142.

A. The Proposed Combination of Boucher and Kistler, Does Not Render Claims 10 and 11 Unpatentable

Claims 10 and 11 are rejected under 35 USC 103(a) as being unpatentable over Boucher, as applied to claim 1 above, and further in view of Kistler et al. (US Publication No. 2002/0198934, hereinafter "Kistler").

Based on at least the foregoing, the Applicant believes the rejection of the independent claims 1 and 18 under 35 U.S.C. § 102(e) as being anticipated by Boucher has been overcome and should be withdrawn. Kistler does not overcome Boucher's deficiency in disclosing the Applicant's limitation. The Applicant submits that claims 10-11 depend directly or indirectly from the independent claim 1, and are, consequently, also respectfully submitted to be allowable, and requests that the rejection under 35 U.S.C. § 103(a) be withdrawn.

B. The Proposed Combination of Boucher and Microsoft, Does Not Render Claims 12 - 14 Unpatentable

Claims 12-14 are rejected under 35 USC 103(a) as being unpatentable over Boucher, as applied to claim 1 above, and further in view of Microsoft (Winsock Direct and Protocol Offload on SANs, 03/03/2001, hereinafter "Microsoft").

Based on at least the foregoing, the Applicant believes the rejection of the independent claims 1 and 18 under 35 U.S.C. § 102(e) as being anticipated by Boucher has been overcome and should be withdrawn. Microsoft does not overcome Boucher's deficiency in disclosing the Applicant's limitation. In addition, the Applicant submits that claims 12-14 depend directly or indirectly from the independent claim 1, and are, consequently, also respectfully submitted to be allowable, and requests that the rejection under 35 U.S.C. § 103(a) be withdrawn.

C. The Rejection of Claim 21 Under Office Notice

Claim 21 is rejected under 35 USC 103(a) as being unpatentable over Boucher, as applied to claim 18 above, and further in view of Official Notice, hereinafter "ON"). The Applicant points out that the Examiner has cited Microsoft Computer Dictionary (fifth edition) to show **TDM to transmit segments of one signal or traffic**, which does not read on the Applicant's claimed limitation of "employing **time division multiplexing** to determine which of the **different**

types of network traffic access the software services **via the single data path**". The Applicant submits that claim 21 is allowable.

In addition, based on at least the foregoing, the Applicant believes the rejection of the independent claims 1 and 18 under 35 U.S.C. § 102(e) as being anticipated by Boucher has been overcome and should be withdrawn. The Applicant submits that claim 21 depends directly or indirectly from independent claim 18, and is, consequently, also respectfully submitted to be allowable, and requests that the rejection under 35 U.S.C. § 103(a) be withdrawn.

D. The Proposed Combination of Boucher and Yang Does Not Render Claim 22 Unpatentable

Claim 22 is rejected under 35 USC 103(a) as being unpatentable over Boucher, as applied to claim 18 above, and further in view of Yang et al. (US Publication No. 2002/0041566, hereinafter "Yang").

Based on at least the foregoing, the Applicant believes the rejection of the independent claims 1 and 18 under 35 U.S.C. § 102(e) as being anticipated by Boucher has been overcome and should be withdrawn. Yang does not overcome Boucher's deficiency in disclosing the Applicant's limitation. In addition, The Applicant submits that claim 22 depends directly or indirectly from independent claim 18, and is, consequently, also respectfully submitted to be

allowable, and requests that the rejection under 35 U.S.C. § 103(a) be withdrawn.

E. The Proposed Combination of Boucher and Hayes Does Not Render Claims 5-8 and 24-28 Unpatentable

Claims 5-8 and 24-28 are rejected under 35 USC 103(a) as being unpatentable over Boucher, as applied to claim 1 above, and further in view of Hayes et al (US Publication No. 2003/0046330, hereinafter "Hayes").

Regarding the rejection of independent claim 24, the Applicant submits that the same rationale supporting the allowability of claim 1 is applicable, that the fast path and slow path packets handled by Boucher's MAC 402 are not different network traffic types. Hayes does not overcome Boucher's deficiency in disclosing the Applicant's limitation. Based on at least the foregoing, the Applicant believes the rejection of the independent claim 24 under 35 U.S.C. § 103(a) as being anticipated by Boucher in view of Hayes has been overcome and should be withdrawn. In addition, the Applicant submits that claims 5-8 and 25-28 depend directly or indirectly from the independent claims 1 and 24, and are, consequently, also respectfully submitted to be allowable, and requests that the rejection under 35 U.S.C. § 103(a) be withdrawn.

F. The Proposed Combination of Boucher and Callaghan Does Not Render Claims 29-31 Unpatentable

Claims 29-31 are rejected under 35 USC 103(a) as being unpatentable over Boucher, and further in view of Callaghan (NFS over RDMA, hereinafter "Callaghan").

Regarding the rejection of independent claim 29, the Applicant submits that the same rationale supporting the allowability of claim 1 is applicable, that the fast path and slow path packets handled by the PCI bridge 157 and INIC miniport driver 306 are not different network traffic type. Callaghan does not overcome Boucher's deficiency in disclosing the Applicant's limitation. Based on at least the foregoing, the Applicant believes the rejection of the independent claim 29 under 35 U.S.C. § 103(a) as being anticipated by Boucher in view of Callaghan has been overcome and should be withdrawn. In addition, the Applicant submits that claims 30-31 depend from the independent claim 29, and are, consequently, also respectfully submitted to be allowable, and requests that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Furthermore, the Applicant reserves the right to argue additional reasons beyond those set forth herein to support the allowability of claims 5-14, 21-22 and 24-31 should such a need arise.

CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-31 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Patent Agent at (312) 775-8093.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Date: July 30, 2008

/ Frankie W. Wong/

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